IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2114 OF 2005

Akbar Abdulali .. Petitioner
V/s
Union of India & Ors. .. Respondents

Mr.Madhur Baya for the Petitioner.
Mr.S.M.Shah with Mrs.S.V.Bharucha for the Respondents.

CORAM : DR.S.RADHAKRISHNAN & V.C.DAGA, JJ.

DATE : 5th April, 2007.

P.C.:

1. Heard the learned Counsel for the parties. The learned Counsel for both the parties categorically state that the issue involved in the present Petition is squarely covered by the judgment of this Court dated 13th July, 2006 passed in Writ Petition Nos.1567/2005, 2780/2004, 2781/2004 & 2782/2004.

2. In view thereof, we quash and set aside the impugned order passed by the Special Director (Appeals). The recovery notice issued subsequently do not survive any longer. The Special Director (Appeals) is directed to hear and decide the appeal filed by the Petitioner on its own merits and in accordance with law. Petition stands disposed of accordingly.

3. In view of disposal of the Petition, nothing further survives in the Notice of Motion No.539 of 2006. Notice of Motion stands disposed of.

(V.C.DAGA, J.) **(DR.S.RADHAKRISHNAN,J.)**